UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANWAR et al.,

Plaintiffs,

vs.

FAIRFIELD GREENWICH LIMITED et al.,

Defendants.

Civil Action No. 09-CV-00118 (VM) (THK)

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Anwar et al v. Fairfield Greenwich Limited et al

CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER

Doc. 69

WHEREAS, on January 14, 2009, this Court consolidated *Anwar et al v. Fairfield Greenwich Limited et al.*, 09 Civ. 0118 and *Pacific West Health Medical Center Inc. Employees Retirement Trust v. Fairfield Greenwich et al.*, 09 Civ. 0134, for all purposes, and directed that all filings in connection with the consolidated action be docketed against case number 09 Civ. 0118 (the "Consolidated Action");

WHEREAS, on January 23, 2009, this Court consolidated *Inter-American Trust, et al. v. Fairfield Greenwich Limited et al.*, 09 Civ. 00301, with the Consolidated Action.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. All subsequently filed or transferred cases, whether filed as individual or purported class actions, concerning losses by or on behalf of Fairfield Greenwich investors arising from or relating to the facts and claims alleged in the Consolidated Action, including but not limited to any alleged losses in connection with investments made through or with Bernard Madoff and his firm Bernard L. Madoff Investment Securities, shall be consolidated, for all purposes, with the Consolidated Action.

2. Plaintiffs have demanded a trial by jury. The parties do not consent to trial by a magistrate judge.

3. Joinder of additional parties is to be accomplished before the deadline set forth in paragraph 11 below for filing of a motion for class certification.

Consolidated Amended Complaint

4. Plaintiffs in the Consolidated Action shall serve and file a Consolidated Amended Complaint within 30 days from the date that the Court enters this Civil Case Management Plan and Scheduling Order.

Response to Consolidated Amended Complaint

5. Defendants shall answer, move to dismiss or otherwise respond to the Consolidated Amended Complaint within 45 days from the date it is served on Defendants.

6. Defendants shall respond only to the Consolidated Amended Complaint; no response by Defendants is due to any individual complaints that are consolidated into the Consolidated Action.

7. If any or all of Defendants move to dismiss the Consolidated Amended Complaint, Plaintiffs shall serve and file papers in opposition to such motion(s) within 45 days from the date that the moving papers are served on Plaintiffs, and Defendants shall reply to any such opposition papers within 30 days.

Initial Disclosure and Discovery

8. Initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) is to be completed within 14 days of the date of the parties' conference pursuant to Rule 26(f), which shall be held within 14 days from the date that Plaintiffs serve the Consolidated Amended Complaint on the Defendants.

9. Following the Rule 26(f) conference, the parties may serve document requests and subpoenas *duces tecum* for documents directed to the merits. Discovery requests served prior to that date need not be responded to. The parties shall consider at their Rule 26(f) conference the scope, timing, timing of responses to, and other issues concerning documentary discovery.

10. No earlier than 120 days after filing of the Consolidated Amended Complaint, the parties may take depositions, by notice or subpoena, of persons whose

testimony reasonably appears relevant to merits issues whether or not the case ultimately proceeds as a class action, provided that no person shall be deposed more than once absent good cause and the assigned magistrate judge shall resolve any objections to the timing of a deposition. Merits discovery other than the discovery provided for in paragraphs 8-10 of this Order shall not commence before the Case Management Conference set forth in paragraph 14 below.

Class Certification Motion and Discovery

11. Plaintiffs shall serve and file a motion for class certification pursuant to Fed. R. Civ. P. 23 within 45 days from the disposition of all Defendants' motions to dismiss or service of answers if no motion to dismiss is filed.

12. Upon service of the motion for class certification, the parties may commence and conduct discovery directed to class certification issues for a period of 90 days. If there are disputes with respect to the scope or timing of class certification discovery, the parties shall meet and confer to attempt to develop a plan for such discovery. Subject to paragraph 10 above, such depositions may cover merits issues.

13. Defendants shall serve and file papers in opposition to the class certification motion within 30 days from the conclusion of the period for class certification discovery. Plaintiffs shall reply to any such opposition papers within 60 days.

14. The Court shall schedule a Case Management Conference following disposition of the motion for class certification.

SO ORDERED this 11th day of ~~February~~ March, 2009

~~HONORABLE VICTOR MARRERO~~
UNITED STATES ~~DISTRICT JUDGE~~
U.S. M.J.